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NOTE VERBALE DATED 2 JANUARY 1992 FROM THE PERMANENT REPRESENTATIVE OF HUNGARY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Republic of Hungary to the United Nations, with reference to the Secretary-General's note of 16 December 1991, has the honour to submit the following information on measures undertaken by the Hungarian Government to implement Security Council resolutions 713 (1991) and 724 (1991).

It is kindly requested that this information be circulated as a document of the Security Council.

Aide-mémoire

I

National legislation in force in the Republic of Hungary specifically prohibits any sale or delivery of weapons and military equipment from the Republic of Hungary to countries where armed conflicts take place, or such conflicts may be expected to occur, or to countries regarding which the Security Council of the United Nations called upon the parties to settle their dispute by peaceful means and negotiations, or to countries regarding which the Security Council decided on an arms embargo (government decree 48/1991).

Violations of the relevant legal provisions are punishable to the full extent of the law.

The Government of the Republic of Hungary has, from the very beginning, supported the involvement of the Security Council in the settlement of the conflict of the southern Slav peoples in Yugoslavia.

The Government of the Republic of Hungary has welcomed and consistently respected the relevant resolutions of the Security Council regarding the armed conflict in Yugoslavia.

In this context, the Government of the Republic of Hungary strictly abides by the decision, taken under Chapter VII of the Charter of the United Nations, by the Security Council in its resolution 713 (1991) on the immediate implementation of a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia. The competent governmental authorities, the organs of the Hungarian Customs Service as well as the units of the Border Guards are authorized and empowered strictly to enforce the general and complete arms embargo in accordance with Security Council resolution 713 (1991).

II

The Inter-Ministerial Committee - established under government-decree 48/1991 (27 March 1991) has taken the following actions:

- Prior to the adoption of Security Council resolution 713 (1991), the Government of the Republic of Hungary had banned the export of any deliveries of weapons and military equipment from the Republic of Hungary to Yugoslavia as well as the transit of weapons and military equipment through Yugoslavia to third countries;

- Any transit of military products through the territory of the Republic of Hungary is subject to special licence to be issued by the Inter-Ministerial Committee;

- The Inter-Ministerial Committee has notified and ordered the competent export firms and companies in the Republic of Hungary strictly to abide by the relevant Security Council resolution on the general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia;

- Following the adoption of Security Council resolution 713 (1991), the Government of the Republic of Hungary has banned even the export and re-export of any hunting weapons or equipment to Yugoslavia;

- The Army of the Republic of Hungary has introduced additional measures as high priority - on the protection of army facilities where weapons or other military equipment are stored in order to comply fully with Security Council resolution 713 (1991);

- The Government of the Republic of Hungary cooperates with other Governments and their competent authorities to give effect to the full implementation of Security Council resolution 713 (1991) and it remains committed to act in that manner until the Security Council decides otherwise.

III

1. The Government of the Republic of Hungary issued a decree concerning the new regulations of the export, import and re-export of military products and services on 27 March 1991. The decree was published in the No. 33 issue of "Magyar Közlöny" (Hungarian Official Law Records).

Under the decree, activities related to the export from and import into the territory of the Republic of Hungary and to the re-export of military products can only be pursued with a special licence issued in accordance with the provisions of this decree.

The decree forbids the selling of military products to countries involved in armed conflicts, and to countries where the outbreak of armed conflict threatening international peace and security can be expected, and the United Nations Security Council by its resolution called upon the parties involved to resolve the crisis constituting the cause of the conflict by peaceful ways and through negotiations, or imposed a ban of arms transfer.

Since its establishment, the Inter-Ministerial Committee responsible for the implementation of the above decree has not issued any licence for exporting military products or services to Yugoslavia, or for re-export.

Since October 1990, no arms were sold from the arsenal of the Hungarian Armed Forces to Yugoslavia or to its member republics.

The Republic of Hungary joined the appeal issued by the European Community concerning the ban of arms sales to Yugoslavia and has adhered to the obligations stemming from the appeal.

2. Under the framework of the CFE (Conventional Forces in Europe) talks in Vienna, authorized representatives of the Government of the Republic of Hungary provided to the negotiating parties the dislocation of the troops of the Hungarian Armed Forces covered by the force reduction mandate of the CFE talks on 19 November 1990.

Since the above date, no change in the dislocation of troops of the Hungarian Armed Forces covered by the CFE treaty, and in that of the troops outside the force-reduction mandate of the talks, has been effected. Any other change in the dislocation of troops covered by the CFE treaty was reported by the Hungarian side in accordance with the requirements included in the treaty.

Pursuant to repeated violation by the Yugoslavian side of Hungarian airspace along the Hungarian-Yugoslavian border, the Hungarian side introduced two measures in order to enhance airspace control in the border region, advance reconnaissance of low-altitude airspace violations in due course and to facilitate effective air defence measures against aircrafts violating Hungarian airspace:

- On 24 August 1991, an additional six radio locational measure points were set up 5-10 km from the border by redeployment of air defence reconnaissance subunits permanently stationed in the region of the Hungarian-Yugoslavian border;

- On 27 August 1991, the gunship air defence alert service was reinforced by the redeployment of four gunships to the airport at Taszár, which is closest to the Hungarian-Yugoslavian border.

No other reinforcement measures of any kind have been introduced for the troops of the Hungarian Armed Forces in connection with the Yugoslavian crisis.

With the exception of flights on international air routes and in the immediate vicinity of Budapest, all flights over the territory of the Republic of Hungary are directly controlled and coordinated by the Military Shift Commander and the military service of the Joint Air Control Command Headquarters (EREF).

The EREF transmits all figures on flight movements, including those related to international air traffic, to the Radio Technical and Air Defence system of the Hungarian Armed Forces. This also applies to all domestic aircraft movements (that is, to all flights between the Hungarian state borders).

Hungarian airspace is controlled by the air defence system of the Hungarian Armed Forces. This task was fulfilled even before in a similar manner as any country would check its own airspace under special circumstances, that is, civil air control units are only allowed to authorize aircraft movement subject to approval by the Military Shift Commander, with the exception of scheduled flights using international air routes, although the military service also must be informed about these flights.

The civil and military services of EREF check and identify the movement of every aircraft.

Besides the cases listed below, neither the Hungarian Armed Forces, nor the Hungarian Border Guards identified any airspace violation, or unidentified aircrafts and aircrafts flying without authorization in the airspace of the Hungarian-Yugoslavian border.

Airspace violations in the Hungarian-Yugoslavian border region since 20 August 1991 took place as follows:

(a) Between 5.35 p.m. and 7.30 p.m. on 22 August 1991, eight Yugoslavian fighter planes entered three times Hungarian airspace in a 100-300 m altitude, 1-3 km depth and 4-13 km length along the border section at the borderline posts at Beremend and Ilocska in the Pécs border district.

(b) Of the above-mentioned, Yugoslavian fighter planes entered into Hungarian airspace at 7.30 and launched one air-to-ground missile each over Hungarian territory in the direction of the village of Petrovo Szelo situated on the Yugoslavian side of the border.

(c) The radio technical surveillance system of the Hungarian Armed Forces identified a flying airborne target moving at low speed towards Hungary at 6.39 p.m. on 7 September 1991 which flew into the airspace of the Republic of Hungary at 6.51 p.m. at Gyékényes at an altitude of 1,500-2,500 m into a 1-km depth and 4-5 km width, and then returned to Yugoslavia at 6.52 p.m. over the region at Gola. The Military Air Control Headquarters of the Zagreb Region regards the violation of Hungarian airspace by an unarmed military jet as an error committed by the pilot of the airplane.

(d) At 6.25 p.m. on 8 September 1991, one dark red microlight device entered Hungarian airspace at an approximate altitude of 100-150 m over the border section at the borderline post at Rédics in the Nagykanizsa border district, and after a flight into 300-400 m in depth it left the Hungarian airspace to Yugoslavia at 6.28 p.m. in the above-mentioned borderline post.

The Chairman of the Hungarian Section of the First Local Joint Committee informed by letter the Yugoslavian side about the border violation.

(e) At 11.11 p.m., 11.16 p.m. and 11.18 p.m. on 10 September 1991, one fighter plane entered Hungarian airspace from Yugoslavia during a wing-turn manoeuvre at an approximate altitude of 500-1,000 m over the border section at the borderline post at Drávaszabolcs in the Pécs border district, and after a flight of 33 km into a 300 m depth from the border, the fighter plane returned to Yugoslavian airspace over the D 234 border mark at the border section of the borderline post at Ilocska. The above-mentioned borderline posts registered the entry and departure of the plane by the noise of the jet engine.

The radio technical battalions stationed at Kecskemét and Taszár measured the airspace violation by instruments.

Air traffic data:

The average daily number of flights through the three designated air gates for international air routes crossing the Hungarian border are as follows: 50-60 aircrafts at Kelebia, 30-40 aircrafts at Hóduna and 20-25 aircrafts at Gyékényes without landing in Budapest.

Under the summer timetable of MALÉV, there is a Budapest-Belgrade flight every Thursday with a TU-134 aeroplane. This flight was cancelled for commercial reasons on 11 July, 1 and 15 August and 5 and 12 September. The remaining flights were flown by smaller JAK-40 aeroplanes instead of the normally used TU-134 also for commercial reasons.

Aviaexpress first flew between Szeged and Subotica on 6 May 1991, then continued its service on 30 May, 21 June and 27 August by using AN-2 aeroplanes as scheduled flights between the two cities.

Nawa Air Transport had one special flight between Budapest and Dubrovnik on 14 and 23 June.

The Zagreb-based Croatia Airline Company has permission to fly the Zagreb-Ljubljana-Zagreb route, replacing the former courier flight operated by DHL since 2 April 1991. This flight officially was not cancelled, but it practically does not operate. It flew last time with a Cessna 402 aeroplane on 1 and 2 June.

The Hungarian Air Control Directorate issued permission to the following flights from Yugoslavia:

April 1991:

- 9 April: Osijek-Békéscsaha-Osijek YU-BDB, private aeroplane;

- 19 April: Zagreb-Budapest-Szolnok-Zagreb, YU-BLJ, government flight.

May 1991:

- 21 May: Ljubljana-Budapest-Ljubljana, YU-BMG, commercial flight.

June 1991:

- No flights.

July 1991:

- 26 July: Osijek-Siófok-Kaposvár, five AN-2s arrived for repair (YU-BFT).

August 1991:

- 5 August: Zagreb-Budapest-Zagreb, YU-BPH, private flight.

September 1991:

- 13 September: Belgrade-Budapest-Belgrade, YU-BPH, private flight.

3. The Hungarian Border Guards have been following the situation in Yugoslavia with particular attention since the second half of 1990. The Hungarian Border Guards took into consideration the possibility of an emerging serious conflict, which may necessitate the introduction of measures in the border region. As strictly ordered by the Ministry of Internal Affairs, the Hungarian Border Guards worked out an action plan in coordination with the Hungarian Refugee Office, and the police and local authorities concerned.

The following measures were introduced by the Hungarian Border Guards in 1991:

4 December 1990:

Command issued by the National Commander of the Hungarian Border Guards concerning the preparation for strengthening the Hungarian-Yugoslavian border.

11 January 1991:

Reinforced duty service was ordered for the entire personnel of the Hungarian Border Guards, subunits stationed on the southern ground borderline were increased by 200 troops.

25 January 1991:

Owing to the situation in Croatia, the Hungarian border guard units on the Yugoslavian border were increased by 1,220 troops. On 28 January, the reinforced duty service was lifted. Regulations issued during January mainly aimed at the reception and checking of possible refugees, their direction to the gathering stations as well as at detecting arms, ammunition and pyrotechnical materials in the cross-border traffic and at ensuring strict observance of border safety.

8 May 1991:

Repeated measures were taken to strengthen the Hungarian-Yugoslavian border, because of the increasing danger of a civil war in Yugoslavia. The purpose of these measures was the same as that of those introduced in January 1991. The command for reinforced duty service was partly lifted on 13 May 1991, with the exception of alert and strict checking of the border traffic.

27 June 1991:

Owing to armed clashes which broke out in Slovenia in the vicinity of the border crossing points, the Hungarian-Yugoslavian border was again reinforced. The previously introduced measures were supplemented by the following:

- Patrols were ordered to remain 300-500 m from the border in case of fighting in the vicinity of the border;

- In case of suspension of border traffic, redirection of border traffic and ensuring the safety of passengers;

- More elaborate precise regulations were issued concerning the use of arms in connection with the Yugoslavian situation, the essence of which was that nobody is allowed to enter Hungarian territory carrying arms and in case of attacks launched from Hungarian territory against Hungarian targets arms must be used immediately.

On 2 July, after the normalization of the situation in Slovenia, the above-introduced strict regulations were eased and the troops sent into the region were withdrawn.

In connection with the visit to Hungary by Pope John Paul II between 18 and 20 August, reinforced duty service was introduced along the threatened border section.

23 August 1991:

- Reinforced duty service was ordered in the Pécs border guard district from noon on 23 August 1991. Subunits stationed in the district were simultaneously reinforced by 150 troops, then by another 80 troops two days later.

The following measures were also introduced concerning:

- The checking of refugees arriving from regions where fights broke out and the regulation of their reception;

- The use of arms as described above;

- The limitation of agricultural flights in the vicinity of the border;

- The limitation of hunting within a distance of 1 km from the border;

- Reinforced checking of persons working in the vicinity of the border;

- Increased visual surveillance of the airspace.

Besides the above-listed measures, the following regulations were also introduced in checking border traffic:

4 July 1991:

Command by the Chief of Staff of the Hungarian Border Guards for strengthening strict compulsory checking of border traffic considerably enhanced owing to the Yugoslavian situation.

13 August 1991:

Command by the Deputy Chief of Staff of the Hungarian Border Guards for introducing an upgraded checking procedure of Yugoslavian citizens entering into Hungary from the west and the north, and searching of vehicles of Yugoslavian citizens leaving Hungary to the south in order to intercept arms and ammunition.

22 August 1991:

Command by the National Commander of the Hungarian Border Guards introduced in coordination with the Hungarian Customs and Finance Guards concerning the checking and searching of luggage of persons entering into Hungary from Yugoslavia, requesting refugee status or temporary shelter, in order to intercept possible arms and ammunition.

29 August 1991:

Command by the Chief of Staff of the Hungarian Border Guards to prevent any attempt at arms and ammunition smuggling, which included:

- Stricter measures for passport checking;

- Stricter search of vehicles.

3 September 1991:

Command by the National Commander of the Hungarian Border Guards concerning the stopping at the border-crossing points of persons suspected of terrorist attacks.

6 September 1991:

Command by the National Commanding Duty Officer of the Hungarian Border Guards concerning the checking of ships and barges entering into Yugoslavia on the River Danube, and checking containers in cooperation with the Hungarian Customs authorities.

7 September 1991:

Command by the National Commanding Duty Officer of the Hungarian Border Guards for checking ships and barges and requiring a statement from the owner of the ship whether they are transporting arms or ammunition into Yugoslavia, and also ordering the registration of ships.

10 September 1991:

Command by the National Commander of the Hungarian Border Guards concerning the stopping of persons suspected of terrorist attacks on the basis or more precise information.

12 September 1991:

Command by the Chief of Staff of the Hungarian Border Guards concerning the stopping of persons along the Hungarian-Yugoslavian border suspected of terrorist attacks.

13 September 1991:

Increased customs checking of Yugoslavian citizens entering into Hungary from the north and the west and leaving Hungary for Romania and Yugoslavia.

Over the period of increasing tensions in Yugoslavia, the Hungarian Border Guards arrested 408 persons attempting illegally to cross the border into Hungary.

The Hungarian-Yugoslavian border was violated on 66 occasions. Since 1 August 1991, Hungarian airspace was violated on 11 occasions. On 2 occasions arms were fired into Hungarian territory.

Deliberate intentions in both incidents can be excluded; no injuries were caused. Yugoslavian airspace was not violated from the Hungarian side.

No member of the Hungarian Armed Forces or the Hungarian Border Guards has illegally entered the territory of Yugoslavia. At the same time, on the basis of bilateral agreements, several border meetings of Hungarian and Yugoslav border guard forces were held in the framework of the Hungarian-Yugoslav High Joint Committee.

Between 1 August and 12 September 1991, 33 attempts at arms smuggling were prevented at the border. The Hungarian Border Guards confiscated 40 rifles of various types, 117 pistols and 16,118 rounds of ammunition.

4. In view of the civil war situation in Yugoslavia, the Hungarian Refugee Office introduced the following measures for receiving and accommodating refugees from Yugoslavia:

- The refugee authorities, the police, the Border Guards and the security services issued a joint action plan, the implementation of which started in mid-July 1991;

- In order to ensure the safety of the Hungarian population and of those requesting refuge, police forces operate with increased personnel in the southern counties of Hungary.

Between 15 July 1991 and 11 September 1991, 4,400 persons applied for temporary shelter in Hungary.

Currently 1,224 persons are staying in the Hungarian reception stations and temporary camps.

There are 5,921 persons staying in temporary accommodations, private homes, with relatives and acquaintances, or in rented rooms with families, who have applied for assistance to the refugee authorities.

The total registered and estimated number of refugees from Yugoslavia now staying in Hungary is approximately 16-18,000.

Besides this figure, several thousands of Yugoslavians transited through Hungary (primarily to Austria and Germany) to find refuge with their relatives living abroad. (Official Croatian authorities estimate the number of Yugoslavian refugees in Hungary at around 20-25,000.)

Between 1 and 11 September 1991, 900 new refugees arrived in Hungary from Yugoslavia, of whom:

- 63 per cent were Croatian (90 per cent in August);

- 35 per cent were Hungarians (9 per cent in August).

Women and children continue to make up 75 per cent of the refugees.

On the basis of the above, the Government of the Republic of Hungary regards as unfounded all allegations contained in the communiqué issued by the Federal Secretariate for National Defence of the Socialist Federal Republic of Yugoslavia on 10 September 1991, including legal or illegal arms transportation from the territory of the Republic of Hungary into Yugoslavia as well as authorized or illegal flights, airlift, change in the dislocation of the troops of the Hungarian Armed Forces and illegal entry into Yugoslavian territory by representatives of the Hungarian Armed Forces aimed at its actual implementation. The Government of the Republic of Hungary reiterates that it does not have any information concerning any form of transportation of military products from Hungary to Yugoslavia, which would constitute violation of the international obligations assumed by the Republic of Hungary.